



Town of Stow
380 Great Road
Stow, Massachusetts 01775
(978) 897-8615
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conservation@stow-ma.gov

RECEIVED

DEC 21 2023

Town of Stow
Zoning Board of Appeals

TO: Zoning Board of Appeals
FROM: Stow Conservation Commission K S
RE: Stow Acres Driving Range
DATE: December 21, 2023

The Stow Conservation Commission voted at its meeting of December 19, 2023 to forward the following comments to the Zoning Board of Appeals regarding the proposed driving range/snack bar relocation at Stow Acres.

The Stow Conservation Commission held a public hearing on the proposed driving range/snack bar on December 5, 2023 pursuant to the Massachusetts Wetlands Protection Act and the Town of Stow Wetland Protection Bylaws. As part of the process of review of the project, the Commission also conducted a site visit and reviewed the wetland delineation in the field. Following the close of the hearing, the Commission voted unanimously to issue the attached Order of Conditions approving the relocation of the driving range and snack bar. In their review, the Commission noted the improvements to stormwater management on the site that would result from the project include the elimination of a point source discharge to wetlands and additional stormwater treatment.

The Commission notes that the proposed activities are to be conducted on land that is already maintained and used for golf purposes and are consistent with the Town's stated desire to maintain the long-term economic viability of golf at Stow Acres, a long-standing historic use of the site. The relocation of the driving range to the South Course was contemplated at the time that the town developed the overall land use plan for Stow Acres which was approved at Town Meeting and will facilitate the restoration of the existing driving range on the North Course to functional wetland. The existing driving range on the North Course is now owned by the Stow Conservation Commission and concept plans for the restoration of this area are in process.

In a separate vote, the Commission voted unanimously at its meeting of November 7, 2023 to find that the proposed driving range and snack bar relocation, as shown on the "Conservation Restriction Plan of Land" dated October 18, 2021 and the "Site Development Plan" dated November 29, 2022 are consistent with the terms of the Conservation Restriction recorded on the Stow Acres South Course.

Thank you for this opportunity to comment and please let us know if you have any questions.

Memo

To: Board of Appeals
From: Michael Slagle | Land Use Planner/GIS Administrator
Date: December 29, 2023
Re: 58 Randall Road, Special Permit No. 5

Application Overview

Submission Dates: December 8, 2023 (initial), December 19, 2023 (supplemental), & December 20, 2023 (supplemental).

Date of First Public Hearing: January 8, 2024

Action Deadline: *within 90 days of close of public hearing*

Zoning District(s): Residential District, Recreation – Conservation, Water Resource Protection Overlay, Flood Plain Overlay

Property Owner: Stow Holdings, LLC

Applicant: Peter Brown, on behalf of Stow Holdings, LLC

Project History

Since 2019, the owners of Stow Acres Country Club, the Town, and Stow Conservation Trust ("SCT") (a nonprofit) have collaboratively developed a vision for the 360-acre Stow Acres property. The collaboration between the parties was triggered after hearing rumors of the potential for the property to be sold for housing development.

The property currently contains two 18-hole golf courses (known as the North Course and South Course), a clubhouse, a driving range, and several accessory buildings (such as maintenance buildings). The vision for the property is divided into three sections:

1. **South Course Land Protection.** The Town and SCT have purchased a conservation restriction on the South Course. This restriction limits development on the South Course, keeping the property largely open space. The South Course will continue to operate as a golf course. A trail easement for public use follows the perimeter of the property, allowing residents to enjoy the open space and scenic vistas of the property.
2. **North Course Conservation and Recreation.** The North Course was divided into three parcels, of which two were purchased by the Town. The first parcel includes the current location of the Stow Acres Driving Range; the parcel will be subject to a wetland restoration in the coming years. The second town owned parcel, largely used as a golf course, was purchased for the intent of recreation. A master plan for the two Town-owned parcels is underway with an expected completion of June 2024.
3. **North Course Housing Development.** The third parcel of the North Course was sold to a private developer for the creation of a village-style housing development. The developer is petitioning for a Comprehensive Permit. More information will be provided regarding this development at the January 25, 2024, Public Hearing.

Stow Acres has received four Special Permits and one Variance from the Board of Appeals. The most recent decision for Special Permit was approved in March 2023; this decision has allowed for the construction of a maintenance building.

The present application is seeking a Special Permit for the relocation of the driving range from the North Course (now Town-owned property) to the South Course. The location of the driving range is proposed to replace former maintenance buildings that are no longer needed due to the completed construction of a new maintenance building (subject of the March 2023 Special Permit).

Other Board/ Department Comments

Staff initially requested comments on December 11, 2023

Conservation: Order of Conditions has been issued, approving the location of the proposed driving range and snack bar; Commission unanimously voted that the proposed driving range and snack bar is consistent with the Conservation Restriction.

Public Comments

None received as of December 28, 2023.

Staff Comments

The applicant is seeking relief from Section 3.9 of the Zoning Bylaw (Non-Conforming Use or Structure). The applicant proposes the removal of three existing structure and the replacement of the structures with a new building. The proposed building is sited in the interior of the lot with the front oriented to Randall Road and the existing clubhouse.

The proposed building is composed of two parts: the snack bar and the driving range (containing driving range bays). The snack bar is oriented north/south; the driving range is oriented east/west. The overall building forms and "L" shape. The range portion of the driving range is generally oriented north/south, perpendicular to the driving range bays in the driving range portion of the proposed building.

Dimensional Requirements – Front, Rear, Side Yard Setbacks

Staff have no concerns regarding dimensional requirements of the proposed building. The building, in its entirety, is within the front (30 feet), rear (40 feet) and side yard (25 feet) setbacks.

Proposed Building Uses

The proposed building contains two primary uses: the Snack Bar and Driving Range.

Snack Bar. The snack bar contains a bar (27 seats), a dining area (60 seats) an outdoor dining patio (148 seats), restrooms, and a shop. In total, the snack bar has the capacity to accommodate 235 dining patrons. Within the snack bar portion of the proposed building are storage areas, a kitchen and office space not accessible to the public.

The application indicates that the Grill, a restaurant use in the existing clubhouse, is proposed to be converted into storage for golf carts. The Board should consider the number of existing seats in the Grill, not included in the application, compared to the number of seats within the proposed snack bar.

Driving Range. The driving range is proposed to contain 26 bays (existing driving range contains 36 bays); however, the schematic floor plan only illustrates 13 bays. The Board should consider inquiring where the 13 bays are proposed.

The driving range schematic floor plan does not indicate if there is seating for additional patrons to watch others. The Board should consider inquiring about space dedicated for additional patrons and if patrons (or additional patrons in the driving range) will be provided with dining/bar service from the snack bar; this would result in additional seats as an accessory dining use.

Range

The range portion of the driving range is proposed to the south of the proposed building. The range is approximately 1000 feet long by 200 feet wide (variable width). The east and west sides of the range are proposed to have a driving range netting. Specifications on the netting and locations of the pole supports are not provided in the Application or displayed on the site plan.

In a letter from Stow Conservation Trust, (supplemental material provided by applicant, received December 19, 2023), the choice of netting material and placement of netting was supported, for it minimizes impacts to wildlife.

The Board should consider inquiring about the location of pole supports for the netting, the height of the netting, and the materials used. The

Parking Areas and Requirements

The project consists of the addition of nine parking spaces, of which three are proposed to be accessible. The applicant states that there is no anticipated increase in demand for parking, for the proposed driving range is replacing the former driving range. The applicant did not provide total number of parking spaces on the site. The March 2023 Special Permit has a finding of 224 parking spaces total on the site.

The Board should consider the number of parking stalls provided. The present driving range contains unmarked parking spaces; the sale of the North Course to the Town has resulted in the loss of these parking stalls. Due to the loss of parking stalls from the sale, there may not be enough stalls to accommodate the driving range.

Parking Requirements (and calculations)

Section 7.3.3.2 – 5 spaces per hole + 1 per employee (90 spaces + employee spaces)

Section 7.3.3.2 – 1 space per 4 people expected on premises (other recreational) – *Need more information from applicant*

Section 7.3.3.5 – 1 space per 3 seats + 1 per employee at largest shift (79 spaces + employee spaces)

Section 7.3.3.5 – 1 Space per 200 sq. ft. of retail (2 spaces (218 sq. ft.))

Total required spaces: 171 (does not include activity within other buildings on site; need more information about expected number of patrons per driving range bay)

Total spaces on site: 224 + 9 proposed

Signs

The application does not include signage. If any signs are proposed in the future, they must comply with Section 6.3 of the Zoning Bylaw.

Exterior Lighting Standards

The applicant does not propose any exterior lighting. The Board should consider inquiring about hours of operation for the proposed uses. Lighting, for the safety of patrons and staff, may be needed if the building is used after sunset or before sunrise. All exterior light must comply with Section 3.8.1.5 of the Zoning Bylaw.

Additional Comments

The applicant provided a floor plan of one level. The building is proposed on a hill. It is not clear if the basement portion of the building will be used, or if the space below the pier foundation will be used (possible for additional driving range bays).

The development impact statement calls for the import of 469 cubic yards of soil. The Board may discuss the import of soil, such as conditioning all soil brought on the site to be clean (free of contaminants).

Stormwater management on the site has been improved. Water from the parking lot is proposed to be treated and discharged via a level spreader instead of being discharged directly into a wetland. There is a net decrease in the number of impervious surfaces on the site.

A siltation barrier is proposed during construction. This barrier is placed on the downhill side of the slope and surrounding the wetlands. Staff do not have concerns about the placement of the siltation barriers.

Submitted Plans and Documents

Plans and documents submitted prior to the first public hearing scheduled for January 8, 2024, are listed here:

EXHIBIT A Application, received December 8, 2023

1. Petition for Special Permit to the Town Clerk
 - a. Petition for Special Permit to the Board of Appeals
 - i. Conservation Restriction, recorded with Registry of Deeds December 27, 2021
 - ii. Stow Conservation email, dated November 27, 2023
2. Application Form for Special Permit
3. Certified List of Abutters
4. Other Permits and Variances (List provided only)
 - a. Board of Appeal, 1996, Special Permit
 - b. Board of Appeal, 1989, Special Permit
 - c. Board of Appeal, 1990, Special Permit
 - d. Board of Appeal, 1995, Special Permit
 - e. Board of Appeal, 2023, Special Permit
 - f. Board of Appeal, 1995, Variance
 - g. Conservation Commission, 2011, DEP File 299-431
 - h. Conservation Commission, 2023, DEP File 299-728
 - i. Board of Health, n.d., no permit type listed
5. Record Plans and Deeds
 - a. Deed, Book 67309 Page 266, Filed May 25, 2016
 - b. Plan of Land in Stow, Massachusetts, Plan 76 (1 of 4) of 2002
 - c. Plan of Land in Stow, Massachusetts, Plan 76 (2 of 4) of 2002
 - d. Plan of Land in Stow, Massachusetts, Plan 76 (3 of 4) of 2002
 - e. Plan of Land in Stow, Massachusetts, Plan 76 (4 of 4) of 2002
6. Plans

- a. Architectural Plans
 - i. Sheet A2.0 – Ver. E 2 Schematic Elevations
 - ii. Sheet SC-E2 – Schematic Floor Plan
 - iii. Exterior Rendering
- b. Site Plan
 - i. Site Plan: Stow Acres Country Club, Stow, Massachusetts, prepared by Stamski and McNary, Inc., dated November 8, 2023
7. Development Impact Statement
8. Filing Fee

EXHIBIT B Stow Conservation Trust, Received December 19, 2023

- Letter dated December 9, 2023, from Board of Directors

EXHIBIT C Order of Conditions, received December 20, 2023

- Recorded with Registry of Deeds December 19, 2023

RECEIVED

JAN 08 2024

TO: Stow Zoning Board of Appeals
FROM: Janet and Jim Wheeler
DATE: January 8, 2024
RE: 58 Randall Road (Stow Acres) Driving Range

Town of Stow
Zoning Board of Appeals

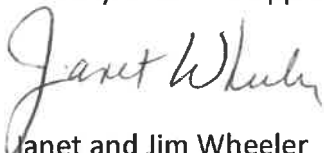
Stow Acres Country Club is a pre-existing, non-conforming use in a residential district and any proposed changes by the applicant should not be detrimental to the residential district, hence the special permitting process. The relocation of both the driving range (with 5 additional bays) and the grill from their existing locations are permissible uses as part of the conservation restriction placed on Stow Acres South course.

The issues and concerns that we feel need to be considered are focused on the impact of the expansion of use of the driving range by becoming an indoor facility:

- 1) Parking from the existing driving range (which is going from 21 mats to 26 bays) is supposed to be screened from public view at the new location.
- 2) There should not be any lighting that illuminates the range area.
- 3) Limit hours of operation of the driving range to specific times. An indoor driving range already expands usage to include the winter months so it will now be a year-round operation - something it is not now.
- 4) Limit hours of the grill (which has a full liquor license).

The concern of an indoor range with an attached grill is it becoming a stand-alone "destination" facility allowed to operate late hours which would not be in the keeping of the residential district.

Thank you for the opportunity to comment on this matter.



Janet and Jim Wheeler
151 Randall Road
Stow, MA 01775
978/618-1643
Janet.g.wheeler@gmail.com

Michael Slagle

From: Contact form at Stow MA <cmsmailer@civicplus.com>
Sent: Wednesday, January 10, 2024 10:17 AM
To: Michael Slagle
Subject: [Stow MA] Driving Range netting for Stow Acres (Sent by Bob McDonald, ggmrcom@verizon.net)

Hello mslagle,

Bob McDonald (ggmrcom@verizon.net) has sent you a message via your contact form (<https://www.stow-ma.gov/user/6881/contact>) at Stow MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.stow-ma.gov/user/6881/edit>.

Message:

Hi Michael,

Thanks for the Zoom meeting last night with the ZBA. I was curious about the firm which installs the poles and netting for the driving range. This was Forenet (West Kingston, RI). Their website is given below. There are some photos of driving range setups which could be shared with board members and neighbors.

Regards,
Bob McDonald
387 Gleasondale Road

<https://www.forenet.net/gallery.html>

Stow Zoning Board of Appeals
380 Great Road
Stow, MA 01775

Dear Members of the Board.

I monitored your meeting of January 8, 2024. I would like to comment on the discussion about the minor modification to the special permit for the maintenance building at Stow Acres Country Club. I may not have attended all the sessions dealing with this permit and might not recall all the details discussed at the deliberations.

While listening to remarks from an abutter about the light that is on the side of the building along Randall Road and apparently in view of the abutter, I was not clear as to the purpose of this lighting. Is it for visibility or security? I'm not sure that I see the need for lighting for visibility on that side of the building.

If the lighting is for security purposes, there are lights that are shielded so as to shine directly on the ground. If the light is controlled by a motion sensor I it could be activated many times during the night as most of these could be triggered by traffic passing on the road or by any animal that passes close enough to the sensor. This could be more annoying than a steady shielded light.

I hope that the Board will give full consideration to direct abutters that may be disturbed by new night lighting on this new building at its new location. I also think that any new lighting at the new driving range location could be shielded and selectively pointed at the ground in the immediate area of the range so as to not be a new disturbance to neighbors. This lighting could also be restricted to specific hours, as I don't foresee anyone being on a driving range after nine or ten PM. The board should leave room in the decision on the permit for the ability to adjust lighting restrictions at the range after some usage has been experienced, and for the applicant to request changes to any restrictions as the actual usage plays out.

Thank you for your attention to my remarks.

Sincerely

William Byron
469 Gleasondale Road
Stow, MA 01775
978-562-6275
wfbbyron@juno.com

February 1, 2024

Zoning Board of Appeals
Town of Stow, Massachusetts
300 Great Road
Stow, MA 01775

Subject: Stow Acres Driving Range Relocation
58 Randall Road
Stow, MA

David Hartnagel, Chair

Based on discussion at the January 8th ZBA hearing regarding the subject project, we understand that the applicant, Stow Holdings, LLC, plans to request permission to operate the proposed relocated driving range and its associated snack bar/grill on a year-round basis until 10pm each day and to use high intensity, external lighting to illuminate the 300 yard long driving range landing area. The intent of the applicant is to operate this accessory use to the golf course as a stand-alone, destination facility in the residential district. The use of this proposed facility beyond the hours of one-half hour after sunset and one-half hour before sunrise, particularly with the addition of high intensity external lighting is clearly not in harmony with the purpose and intent of the Zoning Bylaws and will be detrimental to the character of the residential district.

The following documentation summarized below supports this claim:

- 1) Special Permit Denial: In 1989, the ZBA VOTED TO DENY A LEVEL 2 SPECIAL PERMIT for expansion of the Stow Acres driving range. "Under Section IV-A for the extension of the pre-existing non-conforming use to night-time operation of the driving range, such proposed use being specifically found not in harmony with the purposes and intent of the zoning bylaw and, there being no lighted, commercial night-time outdoor activities in any residential district within the entire town, to be substantially more detrimental to the residential neighborhood than the pre-existing operation of the driving range". A copy of the April 28, 1989 ZBA Special Permit is attached.
- 2) Zoning Bylaw Amendment: In May, 1990, voters approved an amendment to the Zoning Bylaws that pertain to exterior lighting in the residential district. "Exterior lighting shall conform to the requirements of Section IV F.1.e, except that the use of exterior lighting by a commercial of business activity or operation during the period from one-half hour after sunset to one-half hour before sunrise shall not be permitted." A copy of the filing of this amendment with the office of the Attorney General is attached. *It appears that this amendment was not incorporated into the*

zoning bylaws as part of the recodification of the bylaws in 1993. The reason for its omission is not clear.

- 3) Zoning Bylaw: Current bylaws, Section 8.4 - Golf Course Uses in the Residential District, par. 8.4.1.3 clearly indicates that “the operation of the [golf] course, including ACCESSORY USES, shall be limited to the hours between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset”. A copy of bylaw Section 8.4 is attached.

Based on this information we strongly urge the ZBA to DENY the use of exterior lighting and the extended operating hours of the proposed driving range, including the associated snack bar/grill beyond the period from one-half hour after sunset to one-half hour before sunrise, consistent with the requirements included in our current Zoning Bylaws.

Janet and Jim Wheeler
151 Randall Road
Stow, MA 01775

Attachments:

1. Stow ZBA Notice and Decision of Special Permit related to Stow Acres Country Club driving range expansion, dated April 28, 1989.
2. Amendment to Stow Zoning Bylaws, Article 47, filed with the office of the Attorney General, June 18, 1990.
3. Zoning Bylaw Section 8.4 – Golf Course Uses in the Residential District



TOWN OF STOW

BOARD OF APPEALS

STOW, MASSACHUSETTS 01775

NOTICE AND DECISION OF SPECIAL PERMIT GRANTING AUTHORITY

Applicant: SCC Associates, Inc.

Address: 58 Randall Road, Stow, Mass.

Premises Affected: Stow Acres Country Club, specifically a driving range located between 77-79 Randall Road and 80 Edson Street, Stow, Massachusetts, shown on Stow Property Map Sheet R-11 as Parcel No. 25.

Special Permit Requested: A Level 2 special permit under Section IV "Continuance of Existing, Non-Conforming Uses and Structures" to allow

1. An alteration to an existing storage shed
2. The addition of exterior floodlights
3. The enlargement of the driving range tee and impact area
4. The addition of a new putting green.

Pursuant to Massachusetts General Laws Chapter 40A, and referring to the application for special permit filed on December 2, 1988, the following decisions have been made by the Stow Board of Appeals as hereby certified after a public hearing held on January 30, 1989 at the Town Hall, Stow.

The Notice of Decision and Decision of the Board of Appeals regarding an appeal of the action of the Building Inspector in reference to this driving range, and filed as a companion action to this application for special permit, shall constitute an integral part of these decisions. The findings of fact set thereon are incorporated by reference. In addition, the Board finds that the newly enacted amendment to Section IV-A of the Stow zoning bylaws, passed at the December 12, 1988 special town meeting, applies to this application and has duly noted the application of these new requirements or conditions in rendering its decision.

1. At a duly notified meeting held on February 15, 1989, the Board, by unanimous vote of the four members present, VOTED TO GRANT A LEVEL 2 SPECIAL PERMIT under Section IV-A for the alterations to the storage shed for the purpose of securing equipment from vandalism, such proposed use being specifically found to be in harmony with the purposes and intent of the zoning bylaw and not more detrimental to the residential neighborhood than before the alteration, as substantiated by the facts found by the Board. The special permit is subject to the

SCC Associates, Inc.
Page Two

following conditions, safeguards and limitations in addition to those specifically or generally imposed by the zoning bylaws:

- a. This special permit is subject to the applicant filing for and obtaining a building permit for the alterations made to the pre-existing structure. Failure to do so shall be cause for this permit to be revoked and the alterations to be demolished.
- b. External security lighting for this structure shall be limited to a single, pole-mounted security light directed downward toward the building but away from the adjoining residential property. There is no restriction on the hours of use of this lighting.

2. At a duly notified meeting held on February 15, 1989, the Board, by unanimous vote of the four members present, VOTED TO DENY A LEVEL 2 SPECIAL PERMIT under Section IV-A for extension of the pre-existing non-conforming use to night-time operation of the driving range, such proposed use being specifically found not to be in harmony with the purposes and intent of the zoning bylaw and, there being no lighted, commercial night-time outdoor activities in any residential district within the entire town, to be substantially more detrimental to the residential neighborhood than the pre-existing operation of the driving range.

3. At a duly notified meeting held on February 15, 1989, the Board, by unanimous vote of the four members present, VOTED TO GRANT A LEVEL 2 SPECIAL PERMIT under Section IV-A for the extension of use of the tee area of the driving range, such proposed use being specifically found to be in harmony with the purposes and intent of the zoning bylaw and not more detrimental to the residential neighborhood than before the extension, as substantiated by the facts found by the Board. The Board finds that the enlargement of the impact area, documented by sketch filed with the application, is not an extension or alteration of use and, therefore, a special permit for such enlargement is not required. The special permit for the tee area is subject to the following conditions, safeguards and limitations in addition to those specifically or generally imposed by the zoning bylaws:

- a. The extension of a 90-foot tee area westerly of the existing upper teeing area and the existence of a 150-foot concrete slab for use with driving mats is confirmed and allowed.
- b. The parking area shall be formalized by the addition of a suitable barrier or fence between Randall Road and the area reserved to be used for parking, said barrier or fence to be open at each end. One such opening shall be designated as an entrance and the other as an exit. No additional parking, other than that in the existing area, shall be added or created by this construction or in the future without further application for a special permit.
- c. Hours of operation shall be limited from one-half hour before sunrise to one-half hour following sunset. The existing floodlights may be used during this period and for this purpose.

SCC Associates, Inc.
Page Three

- d. Golf driving practice "line-of-flight" shall be directed exclusively toward the impact area and away from adjacent residential properties.

4. At a duly notified meeting held on February 15, 1989, the Board, by unanimous vote of the four members present, VOTED TO GRANT A LEVEL 2 SPECIAL PERMIT under Section IV-A for the extension of pre-existing use of the driving range to include a putting green, such proposed use being specifically found to be in harmony with the purposes and intent of the zoning bylaw and not more detrimental to the residential neighborhood than before the extension, as substantiated by the facts found by the Board. The special permit is subject to the following conditions, safeguards and limitations in addition to those specifically or generally imposed by the zoning bylaws:

- a. The green must be relocated away from the residential property at 80 Edson Street by a minimum of 75 yards.
- b. Any golf practice that results in a ball in flight, excluding chipping onto the green from a closely adjacent position, shall be limited by design and regulation away from any adjacent residential properties.

A plan shall be filed with the Board of Appeals in compliance with the requirements for a site plan in the Stow zoning bylaws and shall show and locate all structures and improvements set forth in Sections 1, 3 and 4 of this special permit and in accordance with all terms and conditions set forth in said Sections. No building permit or certificate of use and occupancy of any of the structures or improvements shall be issued without this plan being filed with the Board of Appeals.

The Board has complied with all statutory requirements for the issuance of this special permit. Two copies of this decision, together with two copies of the application for special permit, site plans, other plans and records, have been filed with the Town Clerk. A detailed record of the proceedings, setting forth the reasons for the decision, shall be filed within fourteen (14) days with the Town Clerk and shall be a public record. Copies of this decision have been or will be mailed to all parties, persons and boards as required by Chapter 40A, Sections 11 and 13.

Any appeal from this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and must be filed within twenty (20) days after the decision has been filed with the Town Clerk.

SCC Associates, Inc.
Page Four

April 28, 1989
Received and filed this day
in Volume III, Page 252

Virginia I. Hatch
Virginia I. Hatch, Town Clerk

John C. L. 7
W. J. Hill
Richard H. Hill
William R. Fowles



OFFICE OF THE
TOWN CLERK

STOW, MASSACHUSETTS 01775

~~XXXXXXXXXXXX~~
Ann L. Allison

June 18, 1990

The Honorable James M. Shannon
Attorney General of Massachusetts
One Ashburton Place, Room 2019
Boston, Massachusetts 02108

Dear Attorney General:

The following is a true copy of action taken under Articles 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 54 of the warrant for the annual town meeting held in Stow on May 7, 8, 9 and 29, 1990.

Action on Article 38 was taken on May 8, 1990. Action on Article 40 was taken on May 29, 1990. Action on the remaining articles was taken on May 9, 1990.

ARTICLE 38. Voted by majority to amend the General Bylaws, Article 3, Town Affairs, Section 10, by changing the words "first day of June" to "fifteenth day of April" and by changing "Fifteen Dollars (\$15.00)" to "Twenty-Five Dollars (\$25.00)", so that Section 10, as amended, will read as follows:

"SECTION 10. All owners or keepers of dogs kept in the Town of Stow during the preceding six (6) months and who on the fifteenth day of April of each year have not licensed said dog or dogs, as prescribed by Chapter 140 of the Massachusetts General Laws, shall be required to pay a fine of Twenty-Five Dollars (\$25.00) in addition to the licensing fee."

The Honorable James M. Shannon
June 18, 1990
Page Twenty-One

ARTICLE 47. Voted unanimously to amend the Zoning Bylaws by inserting a new paragraph 3 concerning exterior lighting in Section VI F. "Use Regulations" to read as follows:

3. Use regulations pertaining to the Residential District:

Exterior lighting shall conform with the requirements of Section VI F.l.e., except that the use of exterior lighting by a commercial or business activity or operation during the period from one-half hour after sunset to one-half hour before sunrise shall not be permitted. This provision shall not preclude the use of emergency lighting required by a public agency in the performance of its duties, lighting of signs in conformance with the general regulations included in Section VII E., customary holiday lighting or low level illumination of entranceways, exits and driveways.

8.4 Golf Course Uses in the Residential District subject to a Special Permit by the Planning Board:

- 8.4.1 Commercial 18-hole golf courses of at least fifty-five hundred (5,500) linear yards and at least seventy-five (75) acres with common and incidental ACCESSORY USES including parking; clubhouse (inclusive of pro shop for sale of golf related items only, administrative office, and snack bar, but not a restaurant), with a total GROSS FLOOR AREA not to exceed twenty-five hundred (2,500) square feet unless entirely within a STRUCTURE in existence at the time of adoption of this Bylaw (11/6/89) but in no case shall the total GROSS FLOOR AREA devoted to golf related uses exceed three thousand (3,000) square feet; and a single family caretaker's residence, provided that:
- 8.4.1.1 no fairway, new BUILDING including improvements to existing BUILDINGS for golf related activities, and new parking area is within fifty (50) feet of any property line;
 - 8.4.1.2 new BUILDINGS and improvements on existing BUILDINGS for golf related activities and new parking areas shall be screened year round from adjacent property by evergreens and other vegetative growth of mixed variety;
 - 8.4.1.3 the operation of the course, including ACCESSORY USES, shall be limited to the hours between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset;
 - 8.4.1.4 at least forty percent (40%) of the residential zoned area of the parcel(s) devoted to the golf course and ACCESSORY USES shall be placed under a conservation restriction to the Stow Conservation Commission and approved by the Stow Select Board. Such restriction shall be for a period of time not less than thirty (30) years in duration and be evidenced by a deed in proper form and duly recorded with the Middlesex County Registry of Deeds or Land Court. Ten percent (10%) of the total residential zoned area shall be placed under a permanent conservation restriction as allowed by the provisions of Mass. General Laws Chapter 184, Sections 31 and 32. Neither the 30% area placed under conservation restriction nor the 10% area placed under a permanent conservation restriction shall contain a greater percentage of wetlands, as defined in Mass. General Laws Chapter 131, Section 40 and the Town of Stow Wetlands Protection Bylaw, than the percentage of wetlands found in the overall tract of land on which the golf course is to be located.
 - 8.4.1.5 The Planning Board may require as a condition a public access pedestrian right of way of at least ten (10) feet in width provided to and along any natural watercourse or wetland in or running through the parcel or to any other portion of the parcel as deemed acceptable by the Planning Board.
 - 8.4.1.6 A state licensed person shall be responsible for applying pesticides/herbicides on the golf course site. Results from an approved laboratory of surface and GROUND WATER samples shall be periodically provided to the Conservation Commission and the Board of Health, the location and frequency of testing to be determined by the Planning Board.



TOWN OF STOW

BOARD OF APPEALS

STOW, MASSACHUSETTS 01775

NOTICE AND DECISION OF SPECIAL PERMIT GRANTING AUTHORITY

Applicant: SCC Associates, Inc.

Address: 58 Randall Road, Stow, Mass.

Premises Affected: Stow Acres Country Club, specifically a driving range located between 77-79 Randall Road and 80 Edson Street, Stow, Massachusetts, shown on Stow Property Map Sheet R-11 as Parcel No. 25.

Special Permit Requested: A Level 2 special permit under Section IV "Continuance of Existing, Non-Conforming Uses and Structures" to allow

1. An alteration to an existing storage shed
2. The addition of exterior floodlights
3. The enlargement of the driving range tee and impact area
4. The addition of a new putting green.

Pursuant to Massachusetts General Laws Chapter 40A, and referring to the application for special permit filed on December 2, 1988, the following decisions have been made by the Stow Board of Appeals as hereby certified after a public hearing held on January 30, 1989 at the Town Hall, Stow.

The Notice of Decision and Decision of the Board of Appeals regarding an appeal of the action of the Building Inspector in reference to this driving range, and filed as a companion action to this application for special permit, shall constitute an integral part of these decisions. The findings of fact set thereon are incorporated by reference. In addition, the Board finds that the newly enacted amendment to Section IV-A of the Stow zoning bylaws, passed at the December 12, 1988 special town meeting, applies to this application and has duly noted the application of these new requirements or conditions in rendering its decision.

1. At a duly notified meeting held on February 15, 1989, the Board, by unanimous vote of the four members present, VOTED TO GRANT A LEVEL 2 SPECIAL PERMIT under Section IV-A for the alterations to the storage shed for the purpose of securing equipment from vandalism, such proposed use being specifically found to be in harmony with the purposes and intent of the zoning bylaw and not more detrimental to the residential neighborhood than before the alteration, as substantiated by the facts found by the Board. The special permit is subject to the

SCC Associates, Inc.
Page Two

following conditions, safeguards and limitations in addition to those specifically or generally imposed by the zoning bylaws:

- a. This special permit is subject to the applicant filing for and obtaining a building permit for the alterations made to the pre-existing structure. Failure to do so shall be cause for this permit to be revoked and the alterations to be demolished.
- b. External security lighting for this structure shall be limited to a single, pole-mounted security light directed downward toward the building but away from the adjoining residential property. There is no restriction on the hours of use of this lighting.

2. At a duly notified meeting held on February 15, 1989, the Board, by unanimous vote of the four members present, VOTED TO DENY A LEVEL 2 SPECIAL PERMIT under Section IV-A for extension of the pre-existing non-conforming use to night-time operation of the driving range, such proposed use being specifically found not to be in harmony with the purposes and intent of the zoning bylaw and, there being no lighted, commercial night-time outdoor activities in any residential district within the entire town, to be substantially more detrimental to the residential neighborhood than the pre-existing operation of the driving range.

3. At a duly notified meeting held on February 15, 1989, the Board, by unanimous vote of the four members present, VOTED TO GRANT A LEVEL 2 SPECIAL PERMIT under Section IV-A for the extension of use of the tee area of the driving range, such proposed use being specifically found to be in harmony with the purposes and intent of the zoning bylaw and not more detrimental to the residential neighborhood than before the extension, as substantiated by the facts found by the Board. The Board finds that the enlargement of the impact area, documented by sketch filed with the application, is not an extension or alteration of use and, therefore, a special permit for such enlargement is not required. The special permit for the tee area is subject to the following conditions, safeguards and limitations in addition to those specifically or generally imposed by the zoning bylaws:

- a. The extension of a 90-foot tee area westerly of the existing upper teeing area and the existence of a 150-foot concrete slab for use with driving mats is confirmed and allowed.
- b. The parking area shall be formalized by the addition of a suitable barrier or fence between Randall Road and the area reserved to be used for parking, said barrier or fence to be open at each end. One such opening shall be designated as an entrance and the other as an exit. No additional parking, other than that in the existing area, shall be added or created by this construction or in the future without further application for a special permit.
- c. Hours of operation shall be limited from one-half hour before sunrise to one-half hour following sunset. The existing floodlights may be used during this period and for this purpose.

SCC Associates, Inc.
Page Three

- d. Golf driving practice "line-of-flight" shall be directed exclusively toward the impact area and away from adjacent residential properties.

4. At a duly notified meeting held on February 15, 1989, the Board, by unanimous vote of the four members present, VOTED TO GRANT A LEVEL 2 SPECIAL PERMIT under Section IV-A for the extension of pre-existing use of the driving range to include a putting green, such proposed use being specifically found to be in harmony with the purposes and intent of the zoning bylaw and not more detrimental to the residential neighborhood than before the extension, as substantiated by the facts found by the Board. The special permit is subject to the following conditions, safeguards and limitations in addition to those specifically or generally imposed by the zoning bylaws:

- a. The green must be relocated away from the residential property at 80 Edson Street by a minimum of 75 yards.
- b. Any golf practice that results in a ball in flight, excluding chipping onto the green from a closely adjacent position, shall be limited by design and regulation away from any adjacent residential properties.

A plan shall be filed with the Board of Appeals in compliance with the requirements for a site plan in the Stow zoning bylaws and shall show and locate all structures and improvements set forth in Sections 1, 3 and 4 of this special permit and in accordance with all terms and conditions set forth in said Sections. No building permit or certificate of use and occupancy of any of the structures or improvements shall be issued without this plan being filed with the Board of Appeals.

The Board has complied with all statutory requirements for the issuance of this special permit. Two copies of this decision, together with two copies of the application for special permit, site plans, other plans and records, have been filed with the Town Clerk. A detailed record of the proceedings, setting forth the reasons for the decision, shall be filed within fourteen (14) days with the Town Clerk and shall be a public record. Copies of this decision have been or will be mailed to all parties, persons and boards as required by Chapter 40A, Sections 11 and 13.

Any appeal from this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and must be filed within twenty (20) days after the decision has been filed with the Town Clerk.

SCC Associates, Inc.
Page Four

April 28, 1989
Received and filed this day
in Volume III, Page 252

Virginia I. Hatch
Virginia I. Hatch, Town Clerk

John C. L. 7
W. J. Hill
Richard H. Hill
William R. Fowles



OFFICE OF THE
TOWN CLERK

STOW, MASSACHUSETTS 01775

~~XXXXXXXXXXXX~~
Ann L. Allison

June 18, 1990

The Honorable James M. Shannon
Attorney General of Massachusetts
One Ashburton Place, Room 2019
Boston, Massachusetts 02108

Dear Attorney General:

The following is a true copy of action taken under Articles 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 54 of the warrant for the annual town meeting held in Stow on May 7, 8, 9 and 29, 1990.

Action on Article 38 was taken on May 8, 1990. Action on Article 40 was taken on May 29, 1990. Action on the remaining articles was taken on May 9, 1990.

ARTICLE 38. Voted by majority to amend the General Bylaws, Article 3, Town Affairs, Section 10, by changing the words "first day of June" to "fifteenth day of April" and by changing "Fifteen Dollars (\$15.00)" to "Twenty-Five Dollars (\$25.00)", so that Section 10, as amended, will read as follows:

"SECTION 10. All owners or keepers of dogs kept in the Town of Stow during the preceding six (6) months and who on the fifteenth day of April of each year have not licensed said dog or dogs, as prescribed by Chapter 140 of the Massachusetts General Laws, shall be required to pay a fine of Twenty-Five Dollars (\$25.00) in addition to the licensing fee."

ARTICLE 47. Voted unanimously to amend the Zoning Bylaws by inserting a new paragraph 3 concerning exterior lighting in Section VI F. "Use Regulations" to read as follows:

3. Use regulations pertaining to the Residential District:

Exterior lighting shall conform with the requirements of Section VI F.l.e., except that the use of exterior lighting by a commercial or business activity or operation during the period from one-half hour after sunset to one-half hour before sunrise shall not be permitted. This provision shall not preclude the use of emergency lighting required by a public agency in the performance of its duties, lighting of signs in conformance with the general regulations included in Section VII E., customary holiday lighting or low level illumination of entranceways, exits and driveways.

8.4 Golf Course Uses in the Residential District subject to a Special Permit by the Planning Board:

- 8.4.1 Commercial 18-hole golf courses of at least fifty-five hundred (5,500) linear yards and at least seventy-five (75) acres with common and incidental ACCESSORY USES including parking; clubhouse (inclusive of pro shop for sale of golf related items only, administrative office, and snack bar, but not a restaurant), with a total GROSS FLOOR AREA not to exceed twenty-five hundred (2,500) square feet unless entirely within a STRUCTURE in existence at the time of adoption of this Bylaw (11/6/89) but in no case shall the total GROSS FLOOR AREA devoted to golf related uses exceed three thousand (3,000) square feet; and a single family caretaker's residence, provided that:
- 8.4.1.1 no fairway, new BUILDING including improvements to existing BUILDINGS for golf related activities, and new parking area is within fifty (50) feet of any property line;
 - 8.4.1.2 new BUILDINGS and improvements on existing BUILDINGS for golf related activities and new parking areas shall be screened year round from adjacent property by evergreens and other vegetative growth of mixed variety;
 - 8.4.1.3 the operation of the course, including ACCESSORY USES, shall be limited to the hours between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset;
 - 8.4.1.4 at least forty percent (40%) of the residential zoned area of the parcel(s) devoted to the golf course and ACCESSORY USES shall be placed under a conservation restriction to the Stow Conservation Commission and approved by the Stow Select Board. Such restriction shall be for a period of time not less than thirty (30) years in duration and be evidenced by a deed in proper form and duly recorded with the Middlesex County Registry of Deeds or Land Court. Ten percent (10%) of the total residential zoned area shall be placed under a permanent conservation restriction as allowed by the provisions of Mass. General Laws Chapter 184, Sections 31 and 32. Neither the 30% area placed under conservation restriction nor the 10% area placed under a permanent conservation restriction shall contain a greater percentage of wetlands, as defined in Mass. General Laws Chapter 131, Section 40 and the Town of Stow Wetlands Protection Bylaw, than the percentage of wetlands found in the overall tract of land on which the golf course is to be located.
 - 8.4.1.5 The Planning Board may require as a condition a public access pedestrian right of way of at least ten (10) feet in width provided to and along any natural watercourse or wetland in or running through the parcel or to any other portion of the parcel as deemed acceptable by the Planning Board.
 - 8.4.1.6 A state licensed person shall be responsible for applying pesticides/herbicides on the golf course site. Results from an approved laboratory of surface and GROUND WATER samples shall be periodically provided to the Conservation Commission and the Board of Health, the location and frequency of testing to be determined by the Planning Board.

Michael Slagle

From: Contact form at stowma <cmsmailer@civicplus.com>
Sent: Monday, February 5, 2024 8:02 AM
To: Michael Slagle
Subject: [stowma] Lighting at Stow Acres (Sent by Rick Lent , rickmlent@gmail.com)

Hello mslagle,

Rick Lent (rickmlent@gmail.com) has sent you a message via your contact form (<https://www.stow-ma.gov/user/6881/contact>) at stowma.

If you don't want to receive such e-mails, you can change your settings at <https://www.stow-ma.gov/user/6881/edit>.

Message:

I strongly urge the ZBA to deny the bylaw variance requests to install any exterior lighting on the driving range AND the extension of operating hours beyond what is currently permitted. The requests are contrary to the intent of the bylaws that protect the residential district from commercial expansion beyond the daytime activity of golf. But perhaps more important, the night time lighting will have a serious impact on insects and other life. (Research citations at the end of this note.)

The Sierra Club recently summarized the research: Urban Lighting disrupts rural insects:
<https://www.sierraclub.org/sierra/new-study-shows-urban-lighting-disrupt...>

Richard Lent
154 Taylor Rd
Stow

RECEIVED

FEB 05 2024

To: Stow Zoning Board of Appeals
Date: February 5, 2024
RE: Stow Acres Driving Range Hearing Continuation
From: Janet Wheeler

Town of Stow
Zoning Board of Appeals

Stow Acres golf course (along with the already defined ACCESSORY USES of the grille and driving range) is a permitted, pre-existing, non-conforming business in the **residential district**. It is the owner's responsibility to comply with the sections of the bylaws that pertain to the residential district **AND** golf courses. These bylaws have been in place for almost 35 years (1990 TM) and should be considered "settled law."

When permission was granted to move the driving range and grill to a new location per the deal that was voted on at 2021 TM, (and which residents have paid the Stow Holdings, LLC a total of \$4 million for town land and a conservation restriction) that **DID NOT** include the right to the owner to ignore the residential zoning bylaws by adding external lighting and extended hours of operations ostensibly to create a year-round, 6am to 10pm golf simulator/restaurant/bar destination facility - these are popping up in surrounding communities from TopGolf (which the applicant has noted requires lighting the driving range) to XGolf. These are all located in commercial/business districts.

The bylaws (below) regarding no exterior lighting and day-time operations protect all residential neighborhoods (we have 2 other golf courses and several orchards in Town) from business expansion by any owner beyond what is already allowed (that is why we have zoning and that is why people buy homes in residentially zoned districts). Stow takes pride in maintaining its rural character (something mentioned in every survey) and **night glow** is not a part of that character.

I strongly urge the ZBA to **uphold the Town's bylaws** and **DENY** the installation of any exterior lighting on the driving range AND extending the hours of operation beyond what is currently permitted, i.e. daytime hours. The plans presented are **contrary to the harmony intent, and consistency of the bylaws that protect the residential district** from commercial expansion beyond the daytime activity of golf and associated accessory uses. To turn the accessory uses into a **year-round, 6am to 10pm outdoor lighted "destination" TopGolf/video arcade facility** supported by a **92-seat restaurant and full bar** 1) violates both the letter of and intent of the zoning bylaws, 2) does not belong in any residential district, and 3) sets a precedent for the two other golf courses and the apple orchards (all residentially zoned) to do whatever suits their business needs.

1. **Special Permit Denial.** The ZBA VOTED (in 1989) TO DENY A LEVEL 2 SPECIAL PERMIT for expansion of the Stow Acres driving range. "Under Section IV-A for the extension of the pre-existing non-conforming use to night-time operation of the

driving range, such proposed use being specifically found not in harmony with the purposes and intent of the zoning bylaw and, there being no lighted, commercial night-time outdoor activities in any residential district within the entire town, to be substantially more detrimental to the residential neighborhood than the pre-existing operation of the driving range”.

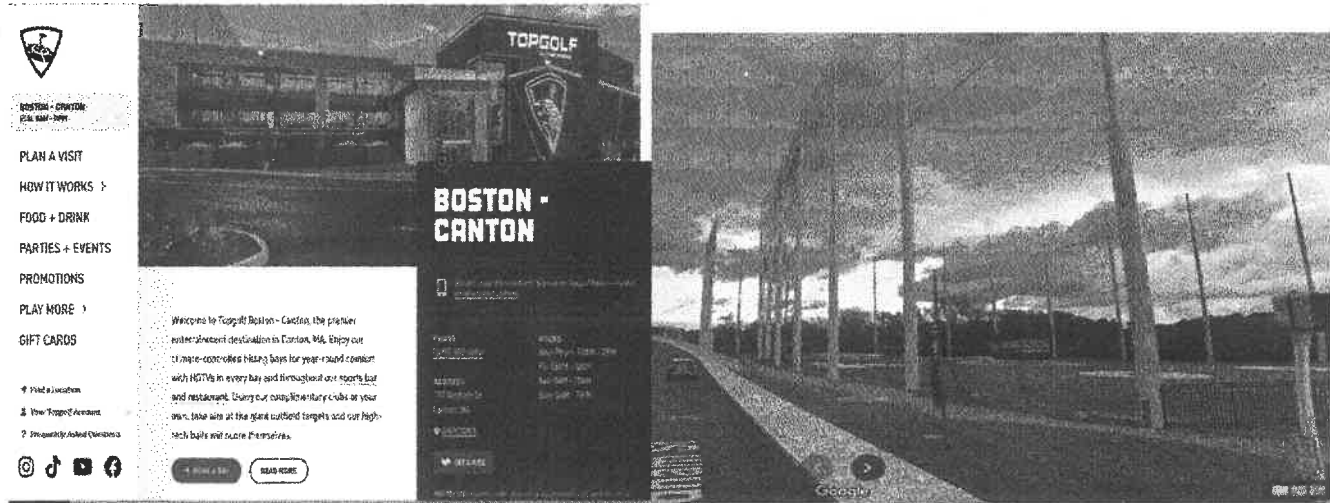
2. **Section 3.8.3.1** (Exterior lighting in the residential district) Exterior lighting shall conform with the requirements of Section 3.8.1.5 (lighting all districts) **except that the use of exterior lighting by a commercial or business activity or operation during the period one-half hour after sunset to one-half hour before sunrise shall not be permitted.**
3. **Section 8.4 Golf Course Uses in the Residential District**, par. 8.4.1.3 states “the **operation of the [Golf] course**, including **ACCESSORY USES**, shall be limited to the hours between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset”.

*** Note:** Golf simulator facilities with associated full restaurants and bars such as topgolf.com (84 locations, 1 in MA) and xgolf.com (125 locations, 10 in MA) are increasing in numbers but all are in **commercial/business districts** of surrounding communities not in residentially zoned districts.

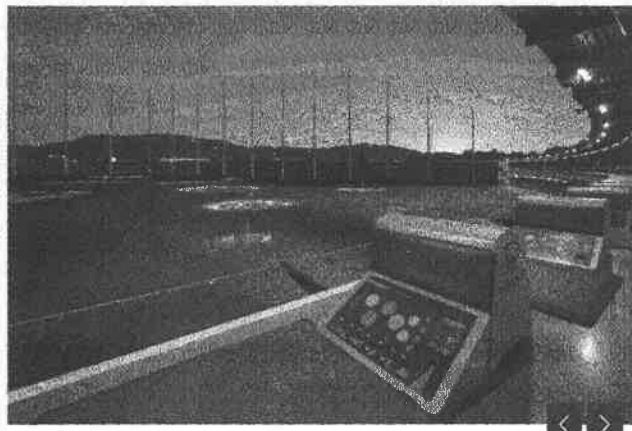
Note: At the 2021 Town Meeting, residents voted and subsequently paid the applicant (DBA Stow Holdings, LLC) a total of \$4 million for a conservation restriction on the South Course (which remains as an 18-hole golf course) and the purchase of land on the North Course for the Town. Stow Holdings has also been (or will be) paid for the land that has been the “front 9” of the North Course that is a 189-unit, 40B residential project.

Examples of golf simulator facilities/indoor driving ranges -TopGolf.com (84 locations, 1 in MA) PlayXGolf.com (125 Locations, 10 in MA) All Locations are on/near major highways, in business/commercial districts, strip malls. None of these facilities in MA are located on golf courses or in residential districts.

TopGolf.com



RESTAURANT AND BAR



HITTING BAYS



Menus vary locally. Great flavor is nationwide.

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Beer by the pitcher or bucket.



Signature cocktails.



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PETER NOLAN
X-League America Champion

Teams battle head to head in a 10 week, handicapped stroke play, format on the world's best virtual golfing simulators. Does your team have what it takes to be crowned the X-League Champion?



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PAUL LYNCH
X-Golf Member

Michael Slagle

From: cmsmailer@civicplus.com on behalf of Contact form at stowma
<cmsmailer@civicplus.com>
Sent: Tuesday, February 6, 2024 8:11 AM
To: Michael Slagle
Subject: [stowma] Top Golf = Not Golf (Sent by Alison Doucette,
alison.m.doucette@outlook.com)
Attachments: notgolf.png; not_canton.png

RECEIVED

FEB 06 2024

Town of Stow
Zoning Board of Appeals

Hello mslagle,

Alison Doucette (alison.m.doucette@outlook.com) has sent you a message via your contact form (<https://www.stow-ma.gov/user/6881/contact>) at stowma.

If you don't want to receive such e-mails, you can change your settings at <https://www.stow-ma.gov/user/6881/edit>.

Message:

Hi Michael:

I do realize we need to focus our concerns on the lights as the current regulations make it clear that 1/2 hour before sunrise and after sunset do not equate to 6 AM to 10 PM all year round. The Earth does tilt on its axis.

However the premise that that moving the driving range to a new location is a continuation of its current function seems only to be true for the first level of the new structure. = GOLF.

The second level as I understand based on last night's meeting would be a branded "Top Golf" site.
<https://topgolf.com/us/>

As you can see from the attached images, Top Golf brand is that it is "NOT GOLF" but "loud music, giant targets and giant TVs."

As a brand, it would seem likely that Stow would become a pull-down on this menu (attached). I think a quick glance would indicate that these are not venues designed for residential areas. As a brand, I am not at all sure that Stow Acres would be able to deviate from the expected ambiance of a "Top Golf" destination.

Those of us who have lived near Stow Acres for decades understand that we should expect noise from weddings or other events or the shooting of blanks to chase the geese in the early morning hours, but we should not be expected to accept a "night life destination" as part of an agreed to conservation restriction. As noted in the traffic study for the new Residences at Stow Acres, the intersection of Randall and Cross Street already has a higher than normal accident rate during daytime hours.

Hoping that sanity will reign at the next ZBA hearing on this issue. We really don't need a bar in our neighborhood.

Thanks,

Alison



100% GOLF

100% NOT GOLF

We've got a bunch of stuff that makes us **golf:** clubs, balls, tees, turf, a ball-picker-upper-cart thing, etc. We also have a whole bunch of stuff that's **not golf:** loud music, giant targets, giant TVs, and a hand-crafted food & beverage menu.

Put all these things under one roof, and you've got yourself a good time. So consider this your formal invitation to grab the fam, a few friends, or some coworkers and **Come Play Around.**



BOOK A BAY

PLAN A PARTY

BOSTON - CANTON

TUES: 10AM - 11PM



The Super Simple Way to Reserve a Bay
at **Topgolf Boston - Canton**

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Overland Park

KS - Wichita

KY - Louisville

LA - Baton Rouge

LA - Lafayette

✓ MA - Boston - Canton

MD - Baltimore

MD - D.C. - Germantown

MD - D.C. -
National Harbor

MI - Detroit - Auburn Hills

and pricing
to book a bay
you straight to
d.



Michael Slagle

From: Contact form at stowma <cmsmailer@civicplus.com>
Sent: Wednesday, February 7, 2024 4:48 PM
To: Michael Slagle
Subject: [stowma] Stow Acres Driving Range-2/5/2024 Hearing Comment (Sent by Michael Duclos, mduclos1@icloud.com) RECEIVED

FEB 12 2024

Hello mslagle,

Town of Stow
Zoning Board of Appeals

Michael Duclos (mduclos1@icloud.com) has sent you a message via your contact form (<https://www.stow-ma.gov/user/6881/contact>) at stowma.

If you don't want to receive such e-mails, you can change your settings at <https://www.stow-ma.gov/user/6881/edit>.

Message:

Dear Mr Slagle,

I'd first like to thank you and all the members of the Zoning Board for all of your efforts on behalf of Stow.

When my wife and I chose a home in Stow over 30 years ago, we chose well, we truly appreciate how challenging it is to maintain the rural character of a small town in the face of development pressures, and we are really happy living here.

I attended the Zoning Board meeting on 2/5/2024 via Zoom, and as suggested, I'm writing with comments on the Stow Acres Driving Range.

At the moment, this is a quiet residential area, which is going to change with the development of housing, and the associated lighting, traffic, etc. I'm thinking the question of the proposed lighting and extended operating hours of the driving range, as well as the restaurant is going to add substantially more change.

As stated by one individual providing comment, it seems there is a by-law prohibiting the kind of lighting activity that is proposed, and I see this as consistent with the rural, residential nature of the area.

I think it would be a very good idea to locate a facility with lighting similar to that which is proposed, and for a member of the Zoning Board to provide a visit, I think this would provide a valuable 'visualization' of the proposal for lighting.

As a retired residential energy efficiency consultant, I spent some time working with the developer of the Stow Acres housing and as a result I believe they may now be inclined to produce more energy efficient, and all-electric housing that is more compatible with the Greenhouse Gas (GHG) reduction mandates of Mass State Laws such as the and the Climate Act of 2021, which sets hard, legally mandated GHG emissions limits for the state, as a set of 'milestones' of dramatically decreasing GHG over time, that must be achieved as a matter of law.
<https://www.wbur.org/news/2021/03/26/new-mass-climate-law-faq>

We are in what I would call the 'mild' phase of GHG reduction, but that is about to change, the rate of mandated GHG reduction increases dramatically after the 2025 milestone.

I recently reviewed in detail the Draft Stow Climate Action Plan recently published by the Stow Green Advisory Committee, and provided substantial comment. My overriding concern is that what is needed is a dramatic reduction in GHG emissions from Stow, and this will be an extremely challenging to realize, absent further development.

Considering the large (for Stow) housing development at Stow Acres will add yet more GHG emissions to the problem, I think we can't continue to behave as we have in the past and expect to realize a dramatic GHG reduction.

I think we need to be extremely careful about what we do that will add to the GHG emissions burden of the town, or I see no hope of meeting the 2030 GHG target.

To that end, I'd like to offer that while the lighting to be added may not be such a large energy use, I see it as inconsistent with the rural nature of the area, as I stated above.

As an residential energy consultant, I am much more concerned about the proposal to heat the driving range bays so the proposed facility would operate even in the dead of winter.

Stow has just adopted the Specialized Stretch Code mandating a dramatic reduction in heat loss from new construction, which is typically by far the largest single energy use in a typical home.

Given this context, it seems absurd to me that the proposal for heating 'the great out of doors' has apparently, from what I now know, not been given scrutiny for the amount of energy and consequent GHG emissions that would be generated.

If the Zoning Board is inclined to allow this project to go forward at all, I think it at a minimum should be asking hard questions regarding the GHG impact of this proposal for heating.

I think you should request details of how this heating is proposed to be implemented, some thoughts:

1. Exactly how would heating be delivered - a single centralized heating source, distributed to each bay, individual heating elements at each bay, etc. ?
2. Is the heat individually controlled to each bay, or is it somehow partitioned to groups of bays, etc. so that the amount of delivered heat can be more carefully managed ?
3. What source of energy is proposed to be used for this heating ?
4. What is the emissions factor for the energy source, by this I mean how much CO2 is being generated per unit of heat delivered ?
5. What is the delivered heating power to each bay ? To all bays ?
6. Has this proposal for heating been reviewed by the Stow Green Advisory Committee ?

I might have other questions if I understood the answers to the questions above, but these are the questions that immediately occur to me with my current meager understanding of the proposal.

To try to frame this in terms of a 'lived experience' imagine if you will, opening the sliding doors of your home and leaving them open for some substantial portion of each day, and what that would do to your heating bill. There would be a corresponding increase in your resulting GHG emissions from such behavior.

Thanks very much for the opportunity to offer these hopefully helpful and constructive comments.

I truly believe we cannot and must not continue 'business as usual' in fairness to those who will follow us.

Please do not hesitate to contact me if I can be of any assistance, I'm happy to help if I can.

Best Regards,

Michael Duclos

3 Birch Hill Road
Stow, MA 01775
978-793-3189
mduclos1@icloud.com

Michael Slagle

From: Helen Rolfe Ham <helenham@aol.com>
Sent: Tuesday, February 13, 2024 1:02 PM
To: Michael Slagle
Subject: Deny TopGolf at Stow Acres

RECEIVED

FEB 14 2024

Please visit the TopGolf enterprise at 777 Dedham Street, Canton, MA.

Town of Stow
Zoning Board of Appeals

As you know, Peter Brown cited TopGolf as the business after which he is modeling his request for a driving range zoning change.

TopGolf is a **stand-alone business** that is NOT a part of golf courses. It is a new business that has not been previously approved for Stow Acres. It is clearly not an extension of the driving range that can be moved across the street.

It is not a question of lighting. That is a distraction from the real impact.

When you visit TopGolf you will see **an entertainment destination** that attracts large numbers of people to bars, food, sports TVs, sports betting, arcade games and a place to play around hitting balls.

It is open 12+ hours a day, 365 days a year.

TopGolf is located in an industrial area that abuts a commercial, shopping area, NOT a residential neighborhood.

You cannot possibly appreciate the impact of TopGolf on the area unless you visit. Although Peter Brown's request may be a scaled down version, changing the zoning laws will put him and others in a position to continue expanding this new business model exponentially.

You **must visit TopGolf to know what an approval decision would mean** and the harm it would do to Stow Acres, the Town of Stow, all other golf courses, apple orchards and farms that co-exist with our residential neighborhoods.

Please visit. Pictures alone and the website will not give you the full impact.

Please deny these zoning changes.

Helen Rolfe Ham
Rolfe Fine Art
508-826-6067
[facebook.com/RolfeFineArt](https://www.facebook.com/RolfeFineArt)

Sent from [AOL Desktop](#)

Michael Slagle

From: Contact form at stowma <cmsmailer@civicplus.com>
Sent: Tuesday, March 5, 2024 7:13 PM
To: Michael Slagle
Subject: [stowma] Re: Stow Acres Topgolf Expansion (Sent by Bennett Daley, bennett.p.daley@gmail.com)

Hello mslagle,

Bennett Daley (bennett.p.daley@gmail.com) has sent you a message via your contact form (<https://www.stow-ma.gov/user/6881/contact>) at stowma.

If you don't want to receive such e-mails, you can change your settings at <https://www.stow-ma.gov/user/6881/edit>.

Message:

Hello Michael,

I just wanted to submit my support for the enforcement of zoning bylaws in Stow. I live directly next to Stow Acres and have already been negatively impacted by the maintenance building project, and constant dumping of trash on my property, including trespassing.

The expansion of the golf course into a Top Golf bar and restaurant, which is expected to double the business of Stow Acres per Peter Brown, is illegal and beyond the scope of their preexisting non-conforming business status because it is an expansion and not a preexisting business.

Similarly, no expansion of exterior lighting should be allowed at the driving range, as the current driving range is also not allowed to have exterior lighting per zoning bylaw section 3.8.3.1. That driving range has never been allowed to operate with lights.

Additionally, the operating hours of a seasonal golf course are limited by section 8.4, and these laws must be enforced.

This is not a business district, it's a residential district. While Stow Acres has collected \$5 million in total proceeds from the town, it is the local homeowners that have to absorb the repeated blows to their property values, quality of life, and in the case of dumping trash on my property it is a safety issue.

From the Top Golf website, "...not golf: loud music". It is absurd to allow this in a residential district into the evening hours, and fundamentally against the spirit of the conservation restriction and the bylaws.

Thank you for your service,

RECEIVED

MAR 06 2024

Town of Stow
Zoning Board of Appeals

Michael Slagle

MAR 06 2024

From: Helen Rolfe Ham <helenham@aol.com>
Sent: Wednesday, March 6, 2024 4:03 PM
To: Michael Slagle
Cc: Kathy Sferra; Brian Hatch; Valerie Oorthuys; selectboard
Subject: Zoning Board of Appeals: Please no TOP GOLF - Attention Michael Slagle

Town of Stow
Zoning Board of Appeals

Dear Zoning Board of Appeals,

As I said at the public meeting last Monday, March 4th, thank you for bringing up the traffic issues at Boon, Randall and Edson Roads in regards to the Residents of Stow Acres development. You are correct that traffic in the area is a "mess" currently, and measuring the traffic last November does not take into account golf and apple picking, which pack the roads with fast driving non-residents.

We are very glad you are taking traffic seriously.

That said, it is imperative that you understand the impact of having a Top Golf type of business and a **large restaurant and sports bar** on the South Course, not only on the quality of life in a residential neighborhood - which I addressed in my last letter - but on the **traffic** on these very same roads which will be impacted by two new housing developments.

My husband and I visited Top Golf in Canton at 11 am on a Wednesday and it was packed. The parking lot was full. People were driving in and out. It is a very popular entertainment destination at all times of day. It is located in an industrial area, and is NOT associated with a golf course.

Allowing this type of business, with this type of traffic, in a residential neighborhood is unconscionable. It will be a true disaster.

My understanding was that the Conservation Commission, on behalf of the Town of Stow, agreed with Peter Brown that he could move the driving range across the street to the South Course and also move the grill to the new driving range. This is fine. Just moving the businesses as they currently exist is fine.

What is not fine is allowing a new commercial business, a destination entertainment business and a large restaurant and sports bar that will run 12+ hours a day, 365 days a year and will attract large numbers of patrons and add large numbers of cars to our roads in a residential neighborhood. It is not fine to change the current zoning by laws to do it.

This type of "not golf" business - which does not require a golf course - belongs in an industrial and/or commercial zone, period.

For the reasons I wrote before, plus the obvious increase in traffic in an already jammed area, please deny the Top Golf at Stow Acres zoning bylaws change.

Thank you.

Helen Ham
21 Cross Street

PS. I hope you have taken the field trip to **Top Golf in Canton** as I asked. It is a good idea to know **first hand** what is being asked by Peter Brown.

Michael Slagle

From: Kelly Lawlor <kellymarielawlor@gmail.com>
Sent: Thursday, March 7, 2024 2:56 PM
To: Michael Slagle
Subject: Petition in Support of Stow Acres Country Club Range and Restaurant Expansion
Attachments: 107 Signatures Supporting Our Golf Club, Our Community, and Our Town.pdf

Hello Stow ZBA,

I've written a petition in support of Stow Acres Country Club Range and Restaurant Expansion and I am asking people to sign it by 3pm today, so that we can submit this to the ZBA for your next meeting on March 11th.

Letter- https://docs.google.com/document/d/e/2PACX-1vS61BV_QEzxG2tK7zS4To4cnBAk8v7YwQZeX3sqNIIHh7tX_0hk2LLOdVgrfeh-xuVY3NMJsUyGuF41/pub

Sign

Form- https://docs.google.com/forms/d/e/1FAIpQLSfjX_bGxAma2rkInIV0FWozOObtxezvzk5zMGGf0O5Aa9UyJ8w/vi/ewform?usp=sf_link

Attached is the final signature page which is 107 people as of 3pm today. I will be at the meeting on Monday to read from the petition and explain why a group of residents was so moved to support our golf club, our community, and our town. Can you send along the agenda and zoom link?

Thank you for your time and consideration.

Sincerely,
Kelly Lawlor
170 Hudson Rd, Stow, MA 01775

RECEIVED

MAR 07 2024

"Supporting Our Golf Club, Our Community, and Our Town"
Submission Deadline: March 7th, 2024 3pm

Town of Stow
Zoning Board of Appeals

Attention: Stow Zoning Board of Appeals,

As a resident of Stow, we want to ensure that the Zoning Board of Appeals is aware of the greater context of this transaction between MCO and Stow Town Holdings. As residents, we value collaboration between local businesses, conservation, recreational, and historical organizations in town. We, residents of Stow, understand the following:

Stow Acres Historical Context

Stow Acres Country Club has a rich history in our town. Beyond its picturesque backdrop for leisurely recreation, it is host to spirited golf competitions and has been a steadfast partner to numerous philanthropic endeavors. Stow Acres has been a bastion of cultural enrichment with its founding in 1926 by Robert H. Hawkins, embodying the essence of community cohesion and collective pride.

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"In February 1926, the parcel of land was purchased by Robert H. Hawkins. He built 9 holes of golf and Mapledale Country Club became one of the first black owned and operated golf courses. They were unable to play at other courses due to the unfortunate, yet inherent, segregation of that period of American history. That very year in September of 1926, Stow Acres known as Mapledale at that time, was the 1st course that hosted the "National Black Men's Championship". Mr. Hawkins and Mapledale would host the championship 3 times after the Championship returned in 1927 and 1928." ("[Stow Acres Country Club](#)").

The Conservation Restriction

Two years ago, rumors circulated that Stow Acres Country Club was about to be sold to a large national developer. At 338 acres, it was the largest undeveloped/unprotected property remaining in Stow. The Stow Conservation Trust quickly got to work by facilitating a unique private-public partnership with the Town of Stow, the owners of Stow Acres and the private developer. Our shared objective was to create a vision that would protect as much open space for conservation and recreation as possible, while using the most suitable land for a mixed-income housing development. ("[Land Protection | Stow Conservation](#)")

Conservation restrictions (CRs) are voluntary legal agreements between a landowner and a conservation organization or agency, such as the Stow Conservation Commission

or Stow Conservation Trust. They allow land to remain in private ownership while limiting future development in perpetuity.

In October 2021, Special Town Meeting (residents) voted overwhelmingly to purchase approximately 2/3 of the Stow Acres North Course for conservation and recreation purposes. ("[Stow Acres Land Protection | Stowma](#)")

Important Facts and Considerations for our Town:

- This is a business that has always been here in Stow, MA.
- Lights and liquor already exist at Stow Acres Country Club. The presence of outdoor lighting can increase overall safety for residents.
- The strict enforcement of residential zoning bylaws may stifle the club's ability to adapt and thrive in changing circumstances.
- Changes to the course and facilities would enhance the overall quality of life for town residents by improving amenities and potentially increasing property values.
- The special permit process provides an opportunity for careful consideration of the club's plans, allowing for community input and mitigating any potential negative impacts.
- The importance of balancing regulatory compliance with the need to support valuable community institutions.
- We need successful, tax-paying businesses in our town. Every town relies on them.
- We must consider the long term future of our beloved town and how we can grow with a changing population, meeting their needs.
- Businesses in town are keenly aware of the invaluable role Stow Acres Country Club plays in fostering a vibrant local economy and sense of community.
- Residents recognize the synergy between recreational activities and commerce, they enthusiastically rally behind initiatives to enhance the town's offerings.

In conclusion, the seamless integration of recreation and commerce exemplifies the quintessential small-town charm that defines our community in Stow. Residents overwhelmingly voted for this purchase of conservation and recreational purposes at Town Meeting in May/October of 2021. It's a testament to our commitment to cultivating a thriving ecosystem where residents and visitors alike can seamlessly blend leisure and hobby with daily errands. The residents were in support of Stow Acres Country Club at Town Meeting in May 2021 and they still are in support of Stow Acres Country Club in March 2024.

Signatories: (collected and collated on a google form on Thursday March 7th)

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MAR 07 2024

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Submission Deadline: March 7th, 2024 3pm

Town of Stow
Zoning Board of Appeals

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[illegible]

Michael Slagle

From: Jwheeler <janet.g.wheeler@gmail.com>
Sent: Thursday, March 7, 2024 10:36 PM
To: Michael Slagle
Subject: Stow Citizens Petition RE: Zoning Enforcement - March 11th ZBA
Attachments: SCC Website-DR Closed.png; SCC Website-Course Closed.png; 03-07-24 Residents' Petition-Stow Acres .pdf

TO: Stow Zoning Board of Appeals; Michael Slagle, Land Use Planner
DATE: March 7, 2024
RE: Petition RE: Stow Acres Hearing March 11, 2024
FROM: Janet Wheeler

RECEIVED

MAR 08 2024

Town of Stow
Zoning Board of Appeals

I will be at the March 11th meeting to present the attached citizens petition that has been signed by 69 residents, many of whom are abutters to Stow Acres and are directly impacted by the plans brought forth by Stow Holdings, Inc. As the Monday meeting is the continuation of a public hearing, I would also like the opportunity to summarize the serious concerns regarding the Stow Acres proposal that were expressed repeatedly as we met personally with people in the neighborhood and throughout Town.

The purpose and intent of existing bylaw and special permit review is to protect the character of the residential district and to prevent detrimental consequences of commercial and business encroachments. Our bylaws that govern a pre-existing, non-conforming commercial business in the residential district have been in place for more than 30 years and have served the neighborhood without any issues. Consistent and equitable application of bylaws is a minimum expectation for all residents.

Also, just as a point of information, as of February 26th, Stow Acres was still closed for the season (attached website snapshot). There are 289 golf courses in Massachusetts and the vast majority are closed for the winter months but will open (as Stow has) occasionally on warm days. The Massachusetts Golf Association does not allow the entry of golf scores in the GHIN system from November 15th to April 1st indicating what they think is the seasonality of the golf season in the state.

Thank you in advance for your continued attention to the very important decision on this special permit application.

Janet Wheeler
978-618-1643
janet.g.wheeler@gmail.com

Driving Range is Closed
Golf Course is Closed

The Driving Range At Stow Acres

Hours of Operation

- **Days:** Monday - Sunday
- **Hours:** Weather dependant, call golf shop
- **Note:** After rainstorms the range may close temporarily due to wet conditions

Cost

- **Small Bucket (30-35 Golf Balls):** \$6.00 per/basket
- **Large Bucket (90-95 Golf Balls):** \$12.00 per/basket
- **Payment:** Cash (Must Be The Exact Amount) & Credit Card.
 - You can pay for golf balls at the driving range.
 - You do not have to go to the Pro Shop for a token.



Stow Acres is a must-play public golf destination in eastern New England. The beautiful grounds are comprised of two championship 18-hole golf courses that are centered around the renovated antique Victorian Clubhouse. We also have a fully stocked Pro Shop, Driving Range, Practice Area, Golf School, and Champions' Grille is open for food and beverages. The peaceful atmosphere provides a great setting to have fun on-and-off the golf course. Stow Acres is conveniently located between Boston and Worcester. We hope to see you soon!

COURSE CLOSED

Learn about our course,
green fees, season passes,
and more!

[Click Here To Read More](#)

GOLF SCHOOL

Sign-up for one of our
programs or a private lesson.

[Click Here To Visit Their Website](#)

OUTINGS

Interested in booking your
golf outing with us?

[Click Here To Read More](#)

PETITION To Stow Zoning Board of Appeals (March 2024)
RE: Stow Acres Driving Range/Grille Relocation - Special Permit Request

The zoning bylaws referenced below have been in place for more than 30 years, considered "established law" and should continue to be applied equitably in Town, without exceptions, in order to preserve the harmony of the residential district and protect the neighborhoods from commercial and business encroachment, i.e. 1) no exterior nighttime lighting for commercial or business purposes, 2) and hours of operation limited to daytime hours.

We, the undersigned, request that the Stow Zoning Board of Appeals (ZBA), in preparing a Special Permit for the relocation of the Stow Acres driving range and clubhouse grill incorporate orders of conditions that, at the least (but not necessarily limited to), comply with the following relevant zoning bylaws:

1) Section 3.8.3.1. **Exterior lighting in the residential district** "Exterior lighting shall conform with the requirements of Section 3.8.1.5 (lighting all districts) **except that the use of exterior lighting by a commercial or business activity or operation during the period one-half hour after sunset to one-half hour before sunrise shall not be permitted.**

2) Section 8.4.1.3 **Golf Course Uses in the Residential District** states "the operation of the [Golf] course, including ACCESSORY USES, shall be limited to the hours between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset".

NAME

ADDRESS

Janet Wheeler

151 Randall Rd., Stow

James H. Hunter

151 Randall Road, (Stow), MA

Tracie
Winstow

6 Warren Rd. Apt 2 Stow

Ellie B. DeLuca

26 Crescent St. Stow

Michael J. DeLuca

26 Crescent St Stow

Janet C. Korman

17 Whitney Rd Stow

ALISON DOOLITTLE

30 CROSS STOW

Thomas Doucette

30 Cross Stow

Claudia Peters

147 Boon Road Stow

Kim Munn

159 Randall Rd Stow

Vincent O'Sullivan

97 Star Lane Stow

Jeff O'Sullivan

97 Star Lane Stow

NAME

ADDRESS

~~David L. Gote~~
 Charles Boy
 Joseph Zappini
 Peggy Mangan-Cross
 Marshall W. Cron
 Mary Hunt
 H. B. Dwyer
 R. J. J. Jr.
 Helen Ham
 J. A. Gull
 Sharon L. Brumfield
 Tammy St.
 Anne C. Collier
 J. K. Quinn
 Dennis
 Maryland
 Louise C. Peacock
 Clare Lind-Silvestri
 Adam Wendler
 Karen Vender
 Robert McDonald

19 Seven Star Ln, Stow, MA 01775
 22 Seven Star Ln
 197 Randall Rd Stow
 198 Randall Rd Stow
 333 Sudbury Rd. Stow
 333 Sudbury Rd. Stow
 26 Walcott St. Stow
 26 Walcott St.
 21 Cross Street
 21 Cross Street
 14 Cross St
 154 TAYLOR ROAD
 154 TAYLOR RD
 82 Kirkland Drive
 82 KIRKLAND DR.
 160 Whitman St., Stow
 12 Seven Star Ln Stow
 549 Great Rd
 256 Hudson Rd. Stow
 22 Cross St. Stow
 22 Cross St. Stow
 387 Greenade Road

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NAME

ADDRESS

Doris Ruth Justus
Debbie Carr

45 C MARLBORO RD
45A Marlboro Rd

Stephen Cragg

45A Marlboro Rd.

Jim Archella

62 MARLBORO RD

Paul J. Mancus

18 MARLBORO RD

Kathleen A. Klesky

" " "

John M. Blawie DMD

351 GLEASONVILLE RD

Bryan C. Cady

351 Gleasonville Rd.

Ken J. Daly

" " "

James A. Daly

32 Randall Rd

John Daly

" " "

Matt Guller

41 Randall Rd

NAME

ADDRESS

Karen L. Townsend

133 Bourn Rd. Stow, Ma

Anne Marie A. McDonald

200 Hudson Rd.

Ans McDonald

200 Adams Rd

Paul Boleme

22 Randall Rd. Stow MA

Svetlana Bolevstov

22 Dandall Rd. Stow MA

Yelena J. Gt-

24 Randall Rd, Stow, MA

Marina S. Ott

24 Randall Rd, Stow, MA

Chad D.

9 Windmill Hill Rd Stow MA

Dianne Foster

9 Windmill Hill Rd Stow MA

Dan & Ann

4513 Marlboro Rd Stow: 4t

PETITION To Stow Zoning Board of Appeals (March 2024)
RE: Stow Acres Driving Range/Grille Relocation - Special Permit Request

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NAME

ADDRESS

<u>Agie Thomas</u>	<u>80 Edson St. Stow</u>
<u>MAGDALENO STOR</u>	<u>76 EDSON ST STOW</u>
<u>Bruce Thomas</u>	<u>80 Edson St. Stow</u>
<u>Gailly Bonals</u>	<u>70 Edson St Stow</u>
<u>Metka dordi</u>	<u>47 Edson St STOW</u>
<u>James Shihbani</u>	<u>137 Randall Rd Stow</u>
<u>Sereena Shihbani</u>	<u>137 Randall Rd Stow</u>
<u>Eve Shihbani</u>	<u>137 Randall Rd Stow</u>
<u>Stephe Seigel</u>	<u>76 Edson St. Stow</u>
<u>Kathy L Houbert Kane</u>	<u>111 Randall Rd Stow</u>
<u>JH</u>	<u>111 RANDALL RD STOW</u>
<u>Guter</u>	<u>279 Hudson Rd STOW</u>
<u>P. Papaneas Kussion</u>	<u>279 Hudson Rd Stow</u>

NAME

Michael J. Paladini
Margaret P.R. Paladini

ADDRESS

28 Evelyn Rd., Stow
28 Evelyn Road, Stow

RECEIVED

MAR 11 2024

Town of Stow
Zoning Board of Appeals

March 10, 2024

Zoning Board of Appeals
Town of Stow, Massachusetts
300 Great Road
Stow, MA 01775

Subject: Stow Acres Driving Range Relocation
58 Randall Road
Stow, MA

David Hartnagel, Chair

This letter includes comments prepared in response to the letter submitted by Stow Holdings LLC dated March 7, 2024. As a result of the plans to use a radar-based technology system, exterior lighting of the driving range will no longer be required. As such, exterior lighting has been removed from the project. However, to avoid potential misunderstanding if future development at Stow Acres is proposed, we request that the Zoning Board of Appeals (ZBA) include in its order of conditions that the use of exterior lighting to conduct business or commercial activity beyond the period of ½ hour before and ½ hour after sunset shall be prohibited.

We also understand that this permit application has been filed with the ZBA under Section 3.9 – Non-Conforming Uses and Structures. As such, we note the following:

1. The table included in Section 3.9.6.3 indicates that “If the structure or use exceeds, or is in violation of, or violates **any other provision** of the Zoning Bylaw”, the proposed extension, alteration or change must meet the guidelines included in Section 3.9.6.2.
2. Section 8.4 - Golf Course Uses in the Residential District is clearly a provision of the Zoning Bylaw and is therefore applicable to this application. Paragraph 8.4.1.3 of this Section indicates that “the operation of the [golf] course, including ACCESSORY USES, shall be limited to the hours between one-half (1/2) hour before sunrise and one-half (1/2) hour after sunset”.
3. Stow Holdings LLC plans to operate the relocated driving range facility as accessory use to the golf course on a year-round basis from 6am to 10pm. These proposed operating hours extend beyond the hours of one-half hour before sunrise and one-half hour after sunset, thereby violating a provision of the Zoning Bylaw. It is also noted that the requirements of the ZBA Level 2 Special Permit that was issued for the expansion of the Stow Acres driving range in April 1989 also limits the hours during which the range may be used to the same ½ hour before sunrise to ½ hour after sunset period.

4. Section 3.9.6.2 provides guidelines for review of extensions, alterations, or changes to preexisting nonconforming uses and structures. Subparagraph 1 of this Section indicates that the ZBA “shall encourage extensions, alterations or changes to nonconforming structures and uses ***toward greater, if not complete, conformance*** with the provisions of the Zoning Bylaw and to reduce the degree of nonconformity”.

Based on the information summarized above, the hours of operation requested by Stow Holdings for this project that is being proposed as an ACCESSORY USE to the golf course are in violation of the Zoning Bylaw. Therefore, consistent with its responsibility as outlined Section 3.9.6.2, we strongly urge the ZBA to limit the hours of operation of the proposed relocated driving range facility to the period from ½ hour before sunrise to ½ hour after sunset so that they are in complete conformance with the provisions of the Zoning Bylaw and to reduce the degree of nonconformity that has been proposed for this project.

Janet and Jim Wheeler
151 Randall Road
Stow, MA 01775

Memo

To: Board of Appeals
From: Michael Slagle | Land Use Planner/GIS Administrator
Date: March 11, 2024
Re: 58 Randall Road, Special Permit No. 5

Application Overview

Submission Dates: December 8, 2023 (initial), December 19, 2023 (supplemental), December 20, 2023 (supplemental), February 1, 2024 (supplemental) & March 7, 2023 (supplemental)

Date of First Public Hearing: January 8, 2024

Action Deadline: *within 90 days of close of public hearing*

Zoning District(s): Residential District, Recreation – Conservation, Water Resource Protection Overlay, Flood Plain Overlay

Property Owner: Stow Holdings, LLC

Applicant: Peter Brown, on behalf of Stow Holdings, LLC

Staff Comments

Applicability of Section 8.4 of the Zoning Bylaw

There has been correspondence regarding the application of Section 8.4 of the Zoning Bylaw ("Golf Course Uses in the Residential District subject to a Special Permit by the Planning Board"). According to Town Counsel's quick initial review, "Section 8.4 would not apply to a legally existing non-conforming golf course that was in existence prior to the adoption of Section 8.4" and that "It also appears that is the approach the Town has historically taken."

Based on my review of the permits, an example of "the approach the Town has historically taken" is the allowance of cross-country skiing on the site. The Special Permit application was filed under Section IV ("Continuances of Existing, Non-Conforming Uses and Structures") (Recodified as Section 3.9) in 1990. This was after Cross Country Skiing was an allowed use in the Residential District by Special Permit by the Planning Board, adopted in 1989.

In discussion with other Town Staff and the response from Town Counsel, the applicant does not need to seek waivers from Section 8.4 of the Bylaw, for the Section does not apply. The applicant is only seeking a Special Permit from Section 3.9 of the Zoning Bylaw ("NON-CONFORMING USES AND STRUCTURES").

Hours of Operation

The applicant proposed the operation of the driving range and snack bar to be 6am to 10pm. The applicant is correct in that there are no current restrictions on the Grille's hours of operation (based on the previous Special Permits). Below are the restrictions to operations for the other golf courses in Stow (granted by the Planning Board).

Butternut Farm Golf Club

"Night operation and lighting of the golf course is prohibited."

"No mowing shall be done before 7:00 AM on Saturday or Sunday"

"All functions after 7:00 PM shall be held inside the clubhouse"

There are no times identified where the accessory uses of the property are prohibited.

Wedgewood Pines Country Club

"... the golf course shall not open for play before 6:00 a.m. Monday through Friday (except holidays) or one-half 1/2 hour before sunrise whichever comes later."

"Night operation and lighting of the golf course is prohibited."

"No mowing shall be done on the third hole before 7:00 a.m. on Saturday or Sunday."

"Functions shall end at or before 11:00 PM, Sundays through Thursdays and 12:00 AM Fridays and Saturdays"

All functions must be indoors. Other accessory uses do not have time restrictions.

The proposed 6am to 10pm hour of operation aligns with conditions set by the Planning Board.

Exterior Lighting

The applicant no longer proposes the partial illumination of the driving range. Exterior lighting on the building is considered incidental to the use and needs to be installed for safety purposes. The Board may require that all exterior lights on the building be full cut off, pursuant to the Zoning Bylaw.

Noise

At the first Public Hearing session, the Applicant stated that music and sound amplification are not proposed. In Special Permit No. 4, Condition 8 requires compliance with Section 3.8.1.3 (Noise) of the Zoning Bylaw. This condition will remain in effect unless waived, something that would be unlikely.

Sales of Alcohol

The sale of alcohol on the site is regulated by the Select Board.

TOPGOLF

The applicant has clarified that the driving range will not be a TOPGOLF facility.